

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3619 OF 2005

Shri Shidu Nivrutti Mandave

... Petitioner

v/s

Shri Bhiku N. Mandave

... Respondent

Mr V. Talkute for Petitioner.
None for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 24TH AUGUST 2005.

P.C.

:-

1. The Appeal Court, by a detailed order, has granted injunction in favour of the plaintiff restraining the defendant from digging well in the land. Admittedly, the defendant is not exclusively in possession of the land and therefore, in my opinion, he cannot claim right to make any permanent improvement on the land without consent of the other co-owner of the property. It cannot be said that the order impugned results in failure of justice. Petition cannot be entertained. It is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.
